



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 7 Appendix 3 8 December 2023

Agenda item 7

Appendix 3

2023/0381/DET

Planning committee report

2022/0069/DET

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Construction of battery energy storage facility (49.9 MW), control building, switch room, battery storage containers, inverter containers, landscaping and associated works at Land 380M West Of East Croftmore Boat Of Garten

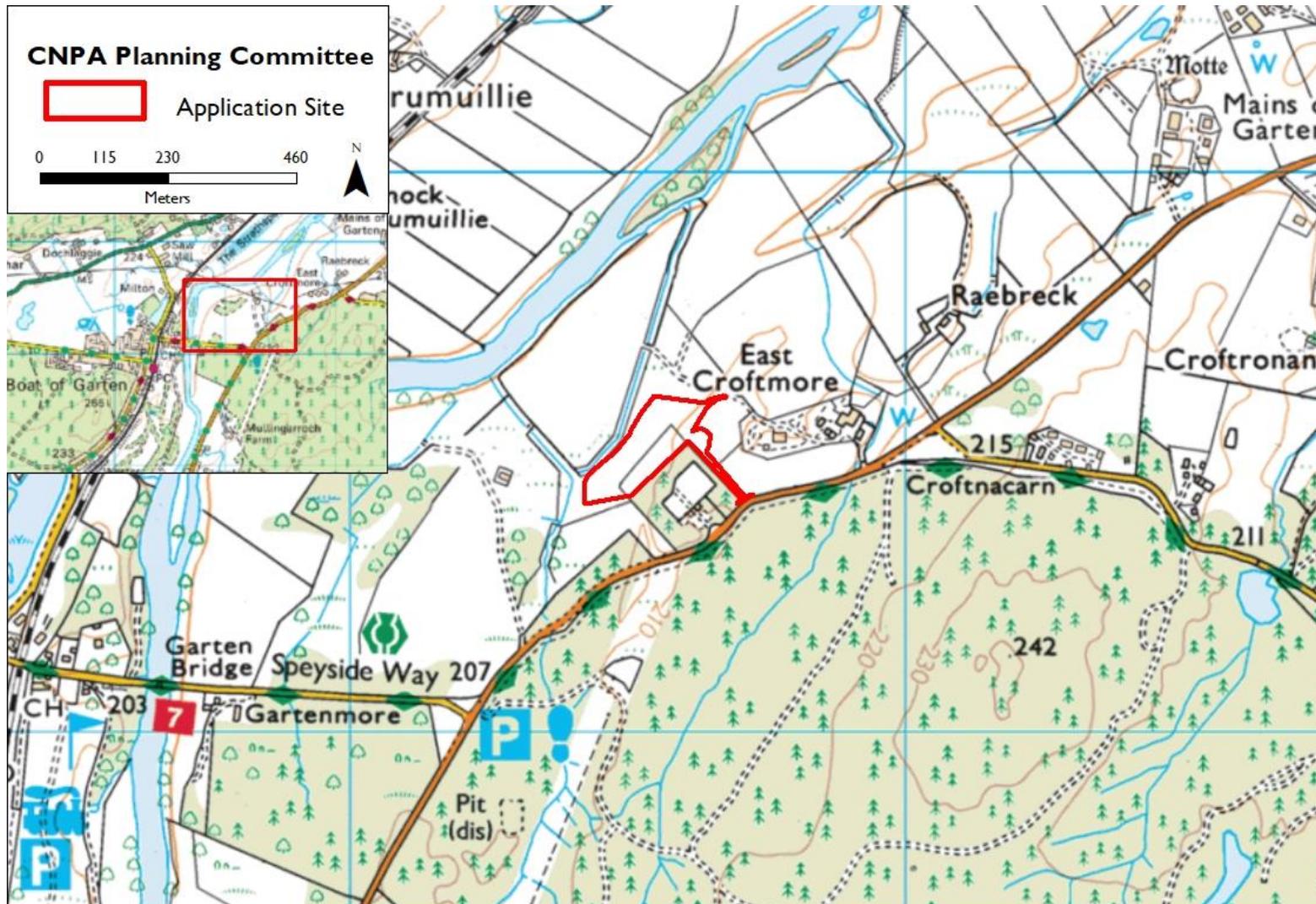
REFERENCE: 2022/0069/DET

APPLICANT: Mr James Perkins

DATE CALLED-IN: 28 February 2022

RECOMMENDATION: Approve subject to Conditions

CASE OFFICER: Alan Atkins - Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

- The proposed development site covers an area of 2.45 hectares and lies within an area of improved grazing land consisting of several large open fields. The site is characterised by an undulating topography, with the ground rising in the south, and descending to the north towards the River Spey. The site is located 300m to the east of East Croftmore Farm and immediately north of the existing Boat of Garten Electricity Sub Station. The B970 road is located to the south of the site, with the village of Boat of Garten approximately 1km away. The site is set on the edge of adjacent conifer woodland, with some semi-natural woodland on the southern bank of the River Spey. There is an existing field drain, which bounds the site to the west, and joins other agricultural drains to flow north for 225m, before meeting the River Spey.

Proposal

- The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7PFMNSI0C100>

Title	Drawing Number	Date on Plan*	Date Received
Plans			
Plan - Location Plan.	EW/08/01C	01/09/21	22/07/22
Plan - Amended General Arrangement Plan.	EW/08/03A	01/09/21	22/07/22
Plan – Amended Site Boundary Fence and Contours	EW/08/02B		22/07/22
Plan - Floor Plan.	EW/08/04	01/09/21	28/02/22
Plan - Section Plan.	EW/08/05	01/09/21	28/02/22
Plan - Section Plan.	EW/08/06	01/09/21	28/02/22
Plan - Section Plan.	EW/08/07	01/09/21	28/02/22
Plan - Section Plan.	EW/08/08	01/09/21	28/02/22
Plan - Fence, CCTV Mast and Control Room Details.	EW/08/09	01/09/21	28/02/22
Plan - Battery Storage Unit Details.	EW/08/10	01/09/21	28/02/22
Plan - Elevations.	EW/08/11	01/09/21	28/02/22
Plan - Cable Servitude Plan.	LT000184_WAY_004_JM_132KV	01/09/21	28/02/22
Plan - Viewpoint 1 - Visualisations.		21/07/21	28/02/22
Plan - Viewpoint 2 - Visualisations.		21/07/21	28/02/22

Plan - Viewpoint 3 - Visualisations.		21/07/21	28/02/22
Plan - Viewpoint 4 - Visualisations.		21/07/21	28/02/22
Plan - Viewpoint 5 - Visualisations.		21/07/21	28/02/22
Plan - Viewpoint 6 - Visualisations.		21/07/21	28/02/22
Plan - Viewpoint 7 - Visualisations.		21/07/21	28/02/22
Plan – Visibility Splays	C4690 (2) 100	04/02/22	28/02/22
Plan - Hydrological Context Map,	C4690- I244/FIGU RE 1	04/02/22	28/02/22
Plan - LVIA Appendix 2 - Figure 1.	C4690- I244/FIGU RE 1	04/02/22	28/02/22
Plan - Landscaping Plan.	C4690- I244/FIGU RE 2	04/02/22	28/02/22
Plan - LVIA Appendix 3 - Figure 3.	C4690- I244/FIGU RE 3	04/02/22	28/02/22
Plan- Soak Away	C4690 (3) 100		22/07/22
Supporting Documentation			
Other - Appendix 3 - Landscape and Visual Impact Assessment.		01/02/22	28/02/22
Other - Appendix 4 - Noise Impact Assessment.		01/02/22	28/02/22
Other - Appendix 5 - Cultural Heritage.		01/02/22	28/02/22
Other - Appendix 5 Figure 1.1 - Impact to Cultural Heritage.		01/02/22	28/02/22
Other - Appendix 5 - Figure 1.2 - Indirect Impact on Cultural Heritage.		01/02/22	28/02/22
Other - Appendix 6 - Hydrology Assessment.		01/02/22	28/02/22
Other - Appendix 6 - Figure 2 - Risk of River Flooding.		01/02/22	28/02/22
Other - Appendix 6 - Figure 3 - Soil Map.		01/02/22	28/02/22
Other - Transport and Access Assessment.		01/02/22	28/02/22

Other - Appendix 8 - Environmental Management Plan.		01/02/22	28/02/22
Other - Ecology Survey.		01/10/21	10/03/22
Other - Supporting Statement.		01/01/22	10/03/22
Other – Updated CEMP		13/08/22	16/08/22
Other – Supplementary Environmental Information		01/08/22	04/08/22
SEI Appendix 1 Tree Root Protection Plan.		01/07/22	16/08/22
SEI Appendix 2.1 Site Work		28/06/22	16.08.22
SEI Appendix 2.2 Soak Away		19/07/22	16/08/22
SEAI Appendix 3.1 Updated Planting Plan.			16/08/22

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

3. It is proposed to construct a battery energy storage facility (49.9 MW), including a control building, switch room, battery storage containers, inverter containers, landscaping and associated works. The proposed energy storage facility will accommodate up to 50 battery storage units which will be housed in steel containers. The containers will have a light grey finish, and will be 12.2m in length, 2.9m in height and 2.4m wide. Some of the containers will be positioned on concrete plinths and, as a result, will require access steps.
4. The proposed development includes ancillary structures such as associated transformers and a sub-station building. The sub-station building will have an overall footprint of approximately 100 square metres and will be 5m in height. The building will be of a blockwork construction with a harl render finish and a pitched roof of grey slate. The proposed landscaping will include areas of bunding using topsoil from the site and a 3m high, inner wood faced, acoustic fence, to be painted dark brown. There is hardstanding proposed, including both temporary and permanent access roads. The proposed new access will link the development to an existing farm track to the north east, and the B970 to the south east. The new planting will be located on the site boundaries, and open areas within the site are to be planted with a wildflower mix.
5. Plans of the proposals are included in **Appendix I**.

History

6. There is no planning history for the site but the applicants undertook requested pre-application advice via Highland Council's major application pre-application advice service and submitted the statutory Proposal of Application Notice (PAN) for the proposed battery storage units. The PAN was previously reported to the Planning Committee.

Habitat Regulations Appraisal

7. An Habitat Regulations Appraisal (HRA) has been carried out (17/08/22) The Habitat Regulations Appraisal concluded that the proposed development is unlikely to have any

significant effects on habitats supporting the qualifying interest of the Cairngorms SAC and Kinveachy Forest SPA.

8. The proposed development has potential to prevent the conservation objectives of the River Spey SAC being met. This could occur through sediment release into the adjacent watercourse that flows into the River Spey, and pollution from the proposed fire suppressant system and soak away. However, the submitted Construction Environment Management Statement (CEMP), dated 13 August 2022, should address the risk of sediment release through appropriate pollution prevention and control measures, such that the pollution risk could be minimised. Furthermore, it is recommended that a condition is included to ensure that a type of fire suppressant that is not harmful to aquatic life is used, thus further avoiding the risk of pollution. The HRA concludes that with the appropriate mitigation measures the proposed development will not have significant effect on the site integrity of the River Spey SAC. The full appraisal is attached at **Appendix 2**.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	X
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	

9. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

Planning Guidance

10. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance (2015)	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance (2015)	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	X
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance (2015)	

CONSULTATIONS

Summary of the main issues raised by consultees

11. **SEPA** has stated that the land raising, as a result of the proposed landscaping works, is adjacent to the 200-year functional flood plain of the River Spey. However, it is further noted that the land raising will start approximately 2m above the functional flood plain of the River Spey, and, therefore, it is unlikely to have any impact on the flood plain. There are no objections to the proposed development on flood risk grounds.
12. In terms of site restoration, and to ensure that decommissioning works are carried out in an environmentally sensitive manner, a finalised Decommissioning and Restoration Plan should be submitted, including the details of the removal of all infrastructure.
13. **Scottish Water** has no objections to the proposals, but suggest the applicant completes a Pre-Development Enquiry form ensuring that the development can be serviced and contacts Scottish Water regarding the proposed drainage plan. They confirm that the development would be fed from Aviemore Water Treatment Works, although capacity will have to be reviewed once permission is granted for the scheme.
14. **NatureScot** have reserved comments until such time as a draft HRA has been submitted
15. **Highland Council Contaminated Land Officer** has stated that there are no known contaminated land issues at this site and therefore, there are no comments to make regarding this application.
16. **Highland Council Transport Planning Team** has no objections to the proposed development, subject to suggested conditions relating to site access and traffic management measures.
17. All works within, or alongside, Council maintained roads will require prior approval of Highland Council, as roads authority. The detailed requirements of all works affecting the public road shall be agreed through the permit application process.

18. **Highland Council Archaeology Officer** has stated that the site lies within an area of archaeological potential, and that it is considered that there remains the potential for buried sites or finds that may be impacted by the development.
19. In light of this, it is necessary that the nature, and extent, of any features is identified and recorded prior to any risk of them being destroyed. It is recommended that a suitably worded condition is included to ensure that that site clearance work should be done under archaeological supervision. Recording should be done without causing any delay, or inconvenience, to the development. This work is relevant to any site clearance, groundworks, and services and access that may be required that may be required. A controlled topsoil strip should be used to ensure that any archaeological features uncovered will be adequately recorded. The applicant will require to engage the services of a professional archaeologist, and the resulting report will be logged in the Highland Historic Environment Record (HER)
20. **Highland Council Environmental Health Officer** has no objections to the proposed development and has acknowledged that the applicant has submitted a Noise Impact Assessment, which demonstrates that noise levels will comply with the relevant standards. Furthermore, it is expected that the developer will employ the best practicable means to reduce the impact of noise from construction works.
21. It is recommended that any consent issued should include conditions that a detailed specification of the proposed noise barrier, and an updated noise impact assessment demonstrating that cumulative noise arising from the development, and adjacent sub – station, will not exceed 30Db at any noise sensitive premises, and that the Rating Level of cumulative noise arising from the use of plant, machinery etc must not exceed 30Db, at the curtilage of any noise sensitive premises.
22. **Highland Council Flood Risk Management Team** have stated that in terms of flood risk, the proposed development is at low risk of flooding. Furthermore, in light of the results of recent percolation tests at the location of the proposed soak aways, it is evident that infiltration is viable. However, any consent issued should include a condition that a final drainage design is submitted for review and approval. This should include calculations to demonstrate that storms up to and including the 1 in 200 year plus climate change event will be managed within the site boundary.
23. **Highland Council Forestry Officer** has not provided any comments in relation to this application.
24. **CNPA Landscape Officer** has stated that, given the topography of the proposed development site and surrounding area, and the presence of an existing sawmill to the north, the battery storage unit will not have any impact on local viewpoints.
25. However, it is predicted that the proposed security fence could result in some significant visual effects. Therefore, the fence should be designed to minimise these effects and incorporate mitigation measures, such as planting on the outside of the fence. This will diminish any of the fence’s prominence in views as an incongruous line or edge. In addition, the proposed cut slope on the south side of the side is to be up to

10m in height. This could lead to significant landscape and visual effects but could be softened by the inclusion of the planting of native trees and shrubs.

26. In terms of the proposed planting, the new hedge should extend the whole way around the security fence, and should comprise mainly of hazel, with some holly and dog rose. Individual trees and shrubs selected for planting should relate to the specific ground conditions, with Scots pine and / or birch and rowan on the steeper, drier slopes, and willow and alder on the lower, wetter ground. Furthermore, the landscape proposals should extend to the red – line boundary, to tie in with the existing burn. Finally, information is required on how the site landscape out with the battery storage compound, but within the red line boundary, will be managed over time.
27. **CNPA Ecology Officer** has stated that the proposed application site is in close proximity to both the River Spey Special Area of Conservation (SAC) and the Abernethy Forest Special Protected Area (SPA). The surrounding woodland is predominantly Scots pine and some juniper bushes. There is a wetland area immediately to the north of the proposed development site which may be used by waders.
28. In terms of breeding birds, sand martins have been recorded as nesting in the sand banks adjoining the existing farm track, close to where the proposed construction access track will join the farm track. Therefore, construction traffic will pass in close proximity to the nesting location which will lead to disturbance of breeding birds. However, this can be mitigated against through the measures set out in the revised Construction Environment Management Plan (CEMP) August 2021. Other breeding birds may use the adjoining pine trees but are likely to nest in the canopy and are at less risk of disturbance from construction traffic.
29. Evidence of red squirrel was found within the vicinity of the existing electricity sub – station, and if breeding within this area would be found within 50m of the proposed development. Therefore, there could be a moderate impact on red- squirrel if construction works take place during the breeding season, and within 50m of an occupied drey. However, mitigation measures set out in the revised CEMP will reduce the effects to negligible. Furthermore, as there is no tree felling proposed, there will be no effects on bats or pine martin.
30. Whilst no evidence of badger or otter was found, they are both known to inhabit the surrounding area, and may pass through the site. Therefore, there is a minor risk of entrapment, should they enter grounds works, or exposed pipes. However, mitigation measures set out in the revised CEMP will address any risk.
31. Given that only five trees are proposed to be felled, and that there are of low quality, the proposals will not result in a negative environmental impact. Root protection measures for the existing trees on site have been set out in the revised CEMP, submitted August 2022. There is tree planting proposed, mainly on the two bunds surrounding the battery storage unit enclosure, using native species that are more suited to the ground conditions. Furthermore, the use of native species would provide greater value for biodiversity.

32. There is some potential for impact on the freshwater environment, including the River Spey. However, mitigation measures set out in the revised CEMP will any impact and ensure no pollution will reach the River Spey and adjacent drainage ditches.
33. A condition is recommended that enhanced planting on the open areas should use a native wildflower mix appropriate to the ground and soil conditions. This will provide food for insects, and in turn, benefit other wildlife.
34. **CNPA Outdoor Access Team** have stated that the River Spey Core Path (LB51) is, at its closest point, 360m from the proposed development site. Therefore, there may be potential impacts affecting users of this route. However, there are no issues in terms of statutory access matters. Furthermore, the visual impacts on the Speyside Way (south east of the site) are assessed as low to moderate.
35. However, given the proximity of National Cycle Route 7, and The Speyside Way (Core Path) at Boat of Garten, it is recommended that any Construction Traffic Management Plan takes account for the potential impacts of the proposed development on pedestrians and cyclists.
36. **Boat of Garten Community Council** have not made any comments regarding the proposed development.

REPRESENTATIONS

37. There has been one letter of objection submitted as a result of this application, and comments from Scottish and Southern Electricity Networks (SSEN). Copies of the public responses can be viewed in **Appendix 3**. The main points of objection are summarised as follows:
 - a) The proposed development will result in a loss of amenity for neighbouring properties.
 - b) The proposed development will result in a loss of habitat for several species.
 - c) In terms of its size and scale, the proposed development is out of keeping with the surrounding area.
 - d) The proposed development is contrary to CNPA Local Development Plan Policy 2.4: Other Economic Development, and will not support, or extend, the local economy.
 - e) The proposed development is contrary to CNPA Local Development Plan Policy 3.3: Sustainable Design.
 - f) The proposed development is contrary to CNPA Local Development Plan Policy 5: Landscape.
 - g) The proposed development is contrary to CNPA Local Development Plan Policy 7: Renewable Energy.
 - h) The proposals will have an adverse impact on surface water run-off and may result in an increased risk of flooding.
 - i) The noise mitigation proposals will not be effective in reducing noise levels to an acceptable level.
 - j) The proposed development is a fire hazard and is in the vicinity of residential properties

- k) The proposals will have an adverse impact on the local holiday let business.
38. SSEN have made comments on the proposed development, which are summarised as follows:
- a) There is various SSEN owned transmission infrastructure, including underground cabling, in the application site.
 - b) The proposed layout may have an impact on the existing underground cabling, particularly in the east, and north west sections of the site, and SSEN would seek agreement to any method of crossing these areas with heavy construction machinery.
 - c) The proposed planting, in the north and west of the existing sub-station, is over existing underground cabling, and, as such, SSEN would seek to agree the details of the proposed planting, prior to construction.
 - d) It is recommended that any consent issued includes a condition that the applicant agrees with SSEN the construction work details, a detailed Transport Management Plan in relation to the proposed access track, and any landscaping works and tree planting.

APPRAISAL

39. The main planning considerations are considered to be the principle of development; the impact upon the landscape; layout, siting, amenity and design; environmental impacts; servicing and access and cultural heritage.

Principle of Development

40. Scottish Planning Policy (SPP) is a key consideration with regards to the proposed development, specifically the 'Delivering Heat and Electricity' policy. SPP recognises that 'Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion' (Para. 168, SPP).
41. **Policy 2.4: Other Economic Development** of the Cairngorms National Park Local Development Plan 2021 states that proposals which support or extend the economy, or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where they:
- a) have no adverse environmental or amenity impacts on the site or neighbouring areas; and
 - b) are compatible/complementary with existing business activity in the area; and
 - c) support the vitality and viability of the local economy.
42. Any environmental and amenity impacts, as a result of the proposed development, will be assessed in the relevant sections of this report. The proposed development is considered to be operationally compatible and visually complementary to the existing electricity substation, located immediately to the south of the development site. The development site is located on ground owned by East Croftmore Farm and income from the battery storage use will support the diversification of the farm business.

43. There will be a total of two full time jobs generated as a result of the proposals. These will be once the development is operational and will include off and on- site operation, monitoring positions and site security. Furthermore, it is anticipated that the construction phase will generate up to 15 temporary jobs, employing local professionals and contractors, as well as further economic development through the use of local aggregate and building suppliers. Therefore, the battery storage unit will support the local economy.
44. The battery storage unit will provide support to the National Grid and will ensure a consistent supply of energy from all sources, though the opportunities for battery storage have been partly driven by the peaks and troughs of renewable energy generation. In general terms, the battery storage facility will contribute to the resilience and efficiency of the National Grid to ensure continuity of supplies to all users, including businesses and can be said to support the vitality and viability of the local economy as an essential utility and is considered to comply with Policy 2.4: Other Economic Development of the Cairngorms National Park Local Development Plan 2021.
45. **Policy 7.1: Renewable Energy** of the Cairngorms National Park Authority Local Development Plan 2021 states all renewable energy developments proposals for renewable energy generation will be considered favourably where:
 - a) they contribute positively to the minimisation of climate change.
 - b) they support the sustainability credentials of the development.
 - c) they conserve and enhance the special qualities of the Park.
 - d) they include appropriate means of access and traffic management, including appropriate arrangements for construction areas and compounds.
 - e) they adequately minimise all cumulative effects.
46. Although the battery storage facility is not a renewable energy development itself, it will support the decarbonisation of the electrical grid in the National Park and beyond. The proposed development will support the National Grid, importing and storing power when there is an excess of renewable generation, and then exporting this power back on to the grid when there is a deficit of such generation. This will reduce the requirement for non-renewable generation and support a continuity of energy supply. Therefore, the proposed development will deliver a significant contribution towards the minimisation of climate change.
47. Any impacts on the special qualities of the Cairngorms National Park will be assessed in the Landscape Impacts, Environmental Impacts and Cultural Heritage sections of this report.
48. In terms of access, traffic management and construction arrangements, there has been a Traffic and Access Assessment and a Construction and Environmental Management Plan submitted. An assessment of these issues can be found in the Servicing and Access section of this report.
49. On this basis, the proposed battery storage unit is considered to be acceptable in terms of Policy 7: Renewable Energy, of the Cairngorms National Park Local Development Plan 2021, subject to compliance with other relevant Local Development Plan policies.

Landscape Impacts

50. **Policy 5: Landscape** of the Cairngorms National Park Local Development Plan 2021 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular the setting of the proposed development.
51. The proposed development is located on the edge of woodland, located 250m from the southern bank of the River Spey. The battery storage unit will not result in the loss of any landscape features and will primarily affect a local landscape of rough grassland used for grazing. Given that the proposed development has been located adjacent to an existing electricity sub-station, the addition of the proposals will not have an adverse impact on the landscape character of the site and the surrounding area. There is considered to be local landscape capacity for the proposed development.
52. The proposed development has been positioned to the side of a shallow slope and will not be a prominent feature in the local landscape. The battery storage unit has been set back from the River Spey, and will not have any direct impact on this landscape feature. The existing vegetation and topography around the site will also provide a level of visual containment. The proposals will only result in the loss of 5 trees, with the existing woodland being utilised for screening. However, in order to ensure the protection of the existing trees during the construction phase, any consent issued will include a suitably worded condition that the root protection measures set out in the revised Construction and Environment Management Plan (CEMP) should be implemented in full.
53. The tree planting and other landscaping proposals will further screen views and soften the edges of the proposed development and will mitigate the proposed cut slope. A condition is recommended that details are submitted of how the areas within the red line boundary, but out with the limits of the Planting Plan, are to be planted and managed.
54. It is proposed to surround the development site with a timber faced security and acoustic fence. However, in order to reduce any potential landscape impacts, any consent issued will include a condition that details of the colour of the fence shall be submitted for approval prior to works commencing on site. Furthermore, as the planting matures, it will be fully screened.
55. However, views of the construction site could lead to a negative, but temporary, impact. It is therefore recommended that any consent granted should include a suitably worded condition that all disturbed areas as a result of the construction phase will be restored upon completion of the development using appropriate mitigation measures.
56. In light of the above, and subject to the aforementioned conditions, the proposed development will not introduce any notable detrimental changes to the landscape character of the site and immediate area, and is, therefore, considered to comply with Policy 5: Landscape, of the Cairngorms National Park Local Development Plan 2021.

Layout, Siting, Design and Amenity

57. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all developments must be designed to be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials. All materials and landscaping should complement the setting of the development. In terms of amenity, all development should protect the amenity enjoyed by neighbours, including minimisation of disturbance caused by access to the development site.
58. In this instance, the proposed development will be similar in size and design to the existing electricity sub-station, located to the south of the site. Furthermore, the type of structures, and materials, that are being proposed are typical of those to be found in this type of development and are in- keeping with the adjacent electricity sub – station, and other agricultural buildings in the surrounding area. However, the proposed battery storage units are light grey which is an inappropriate colour for this rural location. Therefore, any consent issued will include a condition that details of the colour and finish of the battery storage units is submitted for approval prior to works commencing on site.
59. In terms of amenity, the potential effects on neighbouring amenity are expected to be minimal. The proposed development is 175m from Alden Lodge to the west, and 300m from East Croftmore Farm. It is anticipated that the existing electricity sub-station and its associated peripheral landscaping, will effectively screen the proposed development. The proposed external lighting has been designed as downward facing and motion sensitive to minimise any light spill and duration of lighting and is not considered to have a significant impact.
60. The submitted Noise Impact Assessment concludes that the construction phase is not expected to have a significant impact on nearby properties. In terms of the operational phase, it is proposed to erect an acoustic fence, which will enable the proposed development to meet the required noise levels, with no change from background levels predicted. However no specification for the acoustic fence has been supplied and it is recommended that a condition requiring details with a target of a higher level of attenuation than the proposed 10db to be submitted for approval to protect any neighbouring noise sensitive properties.
61. Subject to appropriate conditions subject, the proposed development is considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Environmental Impacts

62. **Policy 4: Natural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to ensure that there is no adverse impact upon designated areas, protected species or biodiversity.

63. There are no protected sites within the site boundary, though the River Spey Special Area of Conservation (SAC) and the Abernethy Forest Special Protected Area (SPA) are adjacent to the site. The Habitats Regulations Appraisal (HRA) concludes that with the detailed pollution prevention and control measures of the Construction Environmental Management Plan (CEMP), the proposals will not have any adverse effects on the integrity of any protected sites.
64. The CEMP also sets out effective mitigation measures for protected species that could use the site and be affected by construction activity. Furthermore, the new woodland planting around the site could deliver an ecological benefit for the surrounding area.
65. Subject to appropriately worded conditions, the proposal is considered to comply with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

Servicing and Access

66. **Policy 10: Resources**, of the Cairngorms National Park Local Development Plan 2021 sets out the need to fully consider impacts on flooding and water resources.
67. In terms of drainage, the battery storage unit will be drained via a soakaway that has been demonstrated as being the most effective solution following percolation and infiltration testing. The application site is adjacent to the 1 in 200-year storm event flood plain of the River Spey. However, detailed topographical surveys have demonstrated that the proposed development is located on land that is more than 2m above the areas predicted to be at medium to low risk of flooding. Consultees are satisfied in principle that the proposed drainage will not have an adverse impact in terms of flooding or water resources but recommend that a condition is attached to a consent requiring the final drainage design, with calculations to demonstrate that storms up to and including the 1 in 200 year plus climate change event will be managed within the site boundary, is submitted for review and approval.
68. Therefore, subject to the inclusion of appropriate condition, the proposed battery storage unit is considered to comply with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.
69. **Policy 3: Design and Placemaking** of the Cairngorms National Park Local Development Plan 2021 states that all new development must include an appropriate means of access, egress and space for off street parking.
70. The proposed development will be accessed via the B970 road, which is considered to have adequate road network capacity during both the construction and operational phases of the development. There is sufficient parking provision being proposed to serve a development of this size. There is both a temporary and permanent access track proposed which will link up with the existing farm track in the north-east of the site. This increase in traffic from operation is not considered likely to have significant impact on the local roads network. However, there will be more vehicle use during construction and there are neighbouring cycle and pedestrian routes that might be affected by increased vehicle traffic. It is recommended that a Construction Traffic

Management Plan is submitted for approval that takes account of the potential use of the B970 and connecting routes by cyclists pedestrian and other users.

71. Subject to the inclusion of an appropriate condition, the proposal is considered to comply with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

Cultural Heritage

72. **Policy 9: Cultural Heritage** of the Cairngorms National Park Local Development Plan 2021 seeks to conserve and enhance features of historic or archaeological significance, or to avoid, minimise or mitigate and adverse effects on them.
73. The proposed development site has some archaeological potential and a condition is recommended to ensure that details of an archaeological watching brief, supervision of all ground clearance and construction work to be supervised by a qualified archaeologist, and that any finds are identified and recorded prior to the risk of them being destroyed are submitted for approval prior to development. Subject to that condition the proposal is considered to comply with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2021.

CONCLUSION

74. The proposed battery storage facility is a new form of development for the Cairngorms National Park that requires a very specific location close to an electrical substation of a particular size and power. Although the development is not directly dealt with by a single LDP policy, it is closely linked to the LDP policy covering renewable energy, both because the development is treated as energy generation and because it is driven by the need to store energy from renewable sources. The principle of the development is considered acceptable in general terms and has been designed to minimise impacts on the site and wider area as far as possible. With appropriate conditions to manage the detail, the development will not introduce any significant landscape or environmental impacts and will contribute to the resilience of the national grid and wider decarbonisation of electricity supplies, is considered to comply with the relevant local development plan policies of the Cairngorms National Park Local Development Plan 2021 and is recommended for approval.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Construction of battery energy storage facility (49.9 MW), control building, switch room, battery storage containers, inverter containers, landscaping and associated works at Land 380M West Of East Croftmore Boat Of Garten, subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. **No development shall commence on site until a finalised Decommissioning and Restoration Plan (including appropriate mitigation measures) covering the removal of all infrastructure has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure that decommissioning works are done in an environmentally sensitive manner in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

2. **No development shall commence on site until a full Landscape Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The Landscape Plan shall incorporate the Planting Plan and included details of how open areas within the development site but out with the extent of the Planting Plan are to be seeded with a native highland wildflower mix. The approved Landscape Plan shall be implemented in full by the first full growing season following completion of development.**

Reason: To ensure that all of the development site is effectively managed in terms of landscape in accordance with Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until a Landscape Maintenance and Management Plan covering a period of at least five years following construction, including the care of existing and proposed trees and shrubs and open area has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To avoid biodiversity loss and to ensure the establishment, retention and protection of the proposed landscaping in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

4. **No development shall commence on site until full details of the proposed retaining wall have been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure that the proposed retaining wall is sympathetic to the character of the surrounding area in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

5. **No development shall commence on site until details of the colour and finish of the battery storage units and associated fencing is submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure that the proposed development is sympathetic to the character of the surrounding area in accordance with Policy 3: Sustainable Design and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence on site until a detailed specification of the proposed noise barrier and an updated Noise Impact Assessment are submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Environmental Health Team.**

The Noise Impact Assessment must demonstrate that:

- a) **cumulative noise arising from the proposed development and existing electricity sub- station does not exceed 30Db at noise sensitive premises and**
- b) **the Rating Level of the cumulative noise arising from the use of plant, machinery or equipment installed or operated in association with the development and adjacent electricity sub-station, must not exceed the current background noise levels at noise sensitive premises. The Rating Level should be calculated in accordance with British Standards 4142: 'Methods for rating and assessing industrial and commercial sound'.**

Reason: In the interests of amenity, in accordance with Policy 3: Design and Placemaking and Policy 5: Landscape of the Cairngorms National Park Authority Local Development Plan 2021.

7. **No development shall commence on site until a finalised drainage design, including calculations to demonstrate that storms up to and including the 1 in 200 year plus climate change event will be managed, has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with the Highland Council's Flood Risk Management Team.**

Reason: In order to ensure that the proposed development is not at risk of flooding in accordance with Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

8. **No development shall commence on site until full details of the proposed site access, including geometry, construction, drainage and traffic management measures are submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority in consultation with the Highland Council's Transport Planning Team.**

Reason: In the interests of road safety and to ensure an acceptable standard of construction within the public road boundary in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

9. **No development shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in**

consultation with the Highland Council Transport Planning Team. This plan shall include but not be limited to details of the following:

- a) Identification of the routes to the site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period.
- b) A detailed protocol for the delivery of any Abnormal Indivisible Loads, prepared in consultation and agreement with interested parties, including the Council, Police, Transport Scotland and, as required, community representatives.
- c) Proposed traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered.
- d) Proposed measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads.
- e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- g) Measures to take account of cyclists using the B970 promoted cycle route and cyclists pedestrians and other users traveling between Boat of Garten and other promotes paths and routes.
- h) As deemed necessary by the Roads Operations Manager, a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. Should an agreement be required, pre-start and post-construction road condition surveys shall be carried out by the developer to the satisfaction of the roads authority. The submission of an appropriate financial bond acceptable to the Council may also be necessary.

Thereafter the construction of the development shall be implemented in accordance with those approved details, unless otherwise approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority.

Reason: To ensure there are no adverse impacts on the roads network in relation to road safety and that construction traffic associated with the development causes minimum disturbance within the public road boundary in accordance with Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

10. No development shall commence on site until proposals for an archaeological watching brief to be carried out during site clearance and excavation works is submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, in consultation with Highland Council Archaeology Officer.

Thereafter the development shall proceed in strict accordance with the approved archaeological watching brief.

Reason: In order to protect the archaeological and historic interests of the site, in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Authority, Local Development Plan 2021.

11. For the avoidance of doubt, the proposed fire suppression system should use non-toxic, inert gas, as detailed in the application Supporting Statement, 6 February 2022.

Reason: To ensure that no pollution will enter the site drainage system, and to avoid an adverse effect on the integrity of the River Spey SAC, in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period, then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. It is advised that the approval of the Highland Council Roads Authority is required for any works affecting the public road and for any road construction consent or any other requirements under the Roads legislation.
5. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area.

6. In order for Scottish Water to conduct a full appraisal of the proposals, the applicant should complete a Pre- Development Enquiry (PDE) Form, and submit to Scottish Water via the customer portal, or contact Development Services.
7. The development must comply with General Binding Rule 10 under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR), which requires that all reasonable steps are taken to ensure that discharge of surface water from a construction site does not result in the pollution of the water environment. Good practice guidelines regarding construction and pollution prevention can be found at the Guidance for Pollution Prevention (GPP) webpage.
8. Given the presence of underground cables owned by Scottish and Southern Electricity Networks (SSEN), the applicant should consult with SSEN, and seek SSEN's approval for method statements for any proposed construction works, access, landscaping and tree planting.
9. The development must comply with General Binding Rule 10 under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR), which requires that all reasonable steps are taken to ensure that discharge of surface water from a construction site does not result in the pollution of the water environment.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.